

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FRESENIUS MEDICAL CARE  
HOLDINGS, INC.,  
Plaintiff,

v.

Case No. 2:05-CV-889  
JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Terence P. Kemp

ROXANE LABORATORIES, INC.,  
Defendant,

v.


NABI BIOPHARMACEUTICALS,  
Counterclaim Defendant.

**ORDER**

On July 31, 2007, Plaintiff Fresenius Medical Care Holdings, Inc. and counterclaim Defendant Nabi Biopharmaceuticals filed a Motion to Strike the allegedly unauthorized Expert Report of Brian E. Jones. The Court will resolve this motion in the context of the *Markman* issues in this case. Accordingly, at this juncture, the Motion to Strike (**Doc. #169**) is **DENIED without prejudice**. If the Court determines that the expert report is justified, then the Court will revive the Motion to Strike and consider the merits of the same.

**IT IS SO ORDERED.**

2-26-2008  
DATE

  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE